



#3

02C0

Docket No. 126745201600

## Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Dated: August 2, 2001

Name of Person Certifying: Jocelyn L. Lee

Printed Name: Jocelyn L. Lee

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ming Fai CHAN et al.

Filing Date: May 1, 2001

Serial No.: 09/847,525

Title: IMPROVED BETA-LACTAM ANTIBIOTICS

Assignee: NewBiotics, Inc.

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Assistant Commissioner for Patents  
Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [ ] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

## II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- ☐ Copies of those items which are marked with an asterisk (\*) in the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. \_\_\_\_\_, filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

- ☐ Copies of those items which are marked with an asterisk ( \* ) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

**III. Concise Explanation of Relevance:**

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

**IV. Conclusion:**

Citation of the above documents shall not be construed as:


1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 Docket No.: 126745201600 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: August 2, 2001

Respectfully submitted,

By:   
Michele Todd Wasmuth  
Registration No.: 43,239

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center  
San Francisco, California 94111  
Telephone: (650) 849-4950  
Telefax: (650) 849-4800

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT(S)' INFORMATION DISCLOSURE  
STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.

126745201600

SERIAL NO.

09/847,525

INVENTOR

Ming Fai CHAN et al.

FILING DATE

May 1, 2001

GROUP ART UNIT

Not Yet Assigned

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAM'R INITIAL		DOCUMENT NUMBER	DATE	NAME	Class	Subclass	Filing Date If Appropriate
	A1	3,993,779	11/23/1976	Dünnenberger et al.			
	A2	4,031,248	06/21/1977	Schellenbaum et al.			
	A3	5,085,983	02/04/1992	Scanlon			
	A4	5,399,346	03/21/1995	Anderson et al.			
	A5	5,801,242	09/01/1998	Randall et al.			
	A6	5,985,854	11/16/1999	Kozak			
	A7	6,150,146	11/21/2000	Hamade et al.			

## OTHER ART (Include Author, Title, Date, Pertinent Pages, etc.)

	C1	Bansal, S.K. and Gessner, T. <i>A Unified Method for the Assay of Uridine Diphosphoglucuronyl-transferase Activities Toward Various Aglycones Using Uridine Diphospho[U-<sup>14</sup>C]Glucuronic Acid</i> (1980) <i>Anal. Biochem.</i> <b>109</b> :321-329.
	C2	Barlow, J. et al. <i>Antibiotic Resistance Sized Up</i> (March 2001) <i>Nature Biotechnology</i> <b>19</b> :217.
	C3	Bush, K. <i>Beta-Lactamase Inhibitors from Laboratory to Clinic</i> (January 1988) <i>Clinical Microbiol. Rev.</i> <b>1</b> (1): 109-123.
	C4	de Groot, F.M.H. et al. <i>Synthesis and Biological Evaluation of 2'-Carbamate-Linked and 2'-Carbonate-Linked Prodrugs of Paclitaxel: Selective Activation by the Tumor-Associated Protease Plasmin</i> (2000) <i>J. Med. Chem.</i> <b>43</b> :3093-3102.
	C5	Kashani-Sabet, M. et al. <i>Detection of Drug Resistance in Human Tumors by in Vitro Enzymatic Amplification</i> (October 15, 1988) <i>Canc. Res.</i> <b>48</b> (20):5775-5778.
	C6	Maher et al. <i>The Sensitive Detection of Fluorescently Labelled PCR Products Using an Automated Detection System</i> (1995) <i>Mol. Cell. Probes</i> <b>9</b> :265-276.
	C7	Maranan, M. C. et al. <i>Antimicrobial Resistance in Staphylococci: Epidemiology, Molecular Mechanisms and Clinical Relevance</i> (December 1997) <i>Antimicrobial Resistance</i> <b>11</b> (4):813-849.
	C8	Medeiros, A. A. <i>Beta-Lactamases</i> (1984) <i>Br. Med. Bull.</i> <b>40</b> :18-27.
	C9	Mobashery, S. et al. <i>Reactions of Escherichia coli TEM Beta-Lactamase with Cephalothin and with C<sub>10</sub>-Dipeptidyl Cephalosporin Esters</i> (June 15, 1986) <i>The Journal of Biological Chemistry</i> <b>261</b> (17):7879-7885.
	C10	Mobashery, S. et al. <i>Conscripting Beta-Lactamase for Use in Drug Delivery, Synthesis and Biological Activity of a Cephalosporin C<sub>10</sub>-Ester of an Antibiotic Dipeptide</i> (1986) <i>J. Am. Chem. Soc.</i> <b>108</b> :1686-1688.
	C11	Murray, B. E. <i>Antibiotic Resistance</i> (1997) <i>Adv. Int. Med.</i> <b>42</b> :339-367.
	C12	Novak, R. et al. <i>Emergence of Vancomycin Tolerance in Streptococcus Pneumoniae</i> (June 10, 1999) <i>Nature</i> <b>399</b> :590-593.
	C13	Vrudhula, V. M. <i>Cephalosporin Derivatives of Doxorubicin as Prodrugs for Activation by Monoclonal Antibody-Beta-Lactamase Conjugates</i> (1995) <i>J. Med. Chem.</i> <b>38</b> :1380-1385.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant(s).

Docket No.: 126745201600

Serial No.: 09/847,525

